



W.P.(MD)Nos.29531, 29939 and 30279 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)Nos.29531, 29939 and 30279 of 2023
and W.M.P.(MD) Nos.25493 & 25495, 25812 and 26093 & 26095 of 2023

W.P.(MD)No.20531 of 2023:

Ragavan

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The District Forest Officer,
Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.

4.The Forest Range Officer,
Sivagiri Forest Range,
Sivagiri,
Tenkasi District.

...Respondents



W.P.(MD)Nos.29531, 29939 and 30279 of 2023

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in connection with the impugned notice issued by him vide his proceedings in SVGREV/1617/2023-B3, dated 06.12.2023, and quash the same as illegal, arbitrary and thereby direct the respondents to permit the petitioner to continue the petitioner Bricks Making / Brick Kiln Business (Country / Traditional Method) in his patta land in Survey No. 920/2, Viswanathaperi Part-I Village, Sivagiri Taluk, Tenkasi District and based on the petitioner representation dated 06.12.2023.

For Petitioner : Mr.K.Sankar

For Respondent : Mr.M.Lingadurai
Special Government Pleader
for R1 & R3

Mr.S.P.Maharajan,
Special Government Pleader
for R2 & R4

W.P.(MD)Nos.29939 and 30279 of 2023:

G.Karpagam Gurunathan .. Petitioner in W.P.(MD) No.29939/2023

1.T.Ayyapan

2.M.Karutha Pandian

3.S.Kauppasamy

4.R.Siva

5.M.Balakrishnan

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6.S.VeerakaliVetrivel

7.G.Appala Ramar

... Petitioners in W.P.(MD) No.29939/2023

Vs.

1.The District Collector,
Collectorate Campus,
Tenkasi,
Tenkasi District.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate Building,
Tirunelveli.

3.The Tahsildar,
Sivagiri Taluk,
Sivagiri,
Tenkasi District.

4.The Assistant Executive Engineer,
TANGEDCO,
Sivagiri,
Tenkasi District.

5.Tamil Nadu Hill Area Conservative Authority,
Rep. by its Member Secretary,
807, Anna Salai,
Chennai – 600 002.

...Respondents in both the Writ Petitions

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records and quash the impugned closure notice dated 06.12.2023 vide SVGREV/1617/2023 - B3 of the 3rd Respondent and consequently direct the 1st respondent to grant brick kiln registration licence.



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For Petitioner in both : Ms.P.Rajalakshmi
the Petitions

For Respondents in both : Mr.S.P.Maharajan,
the Petitions Special Government Pleader
for R1 to R3 & R5

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The proceedings dated 06.12.2023 issued by the Tahsildar, Sivagiri is under challenge in the present Writ Petitions.

2. The order impugned has been issued by the Tahsildar pursuant to the directions issued by the National Green Tribunal, New Delhi on 29.05.2023 in original application No.313 of 2023. The Tahsildar is in the process of implementing the order of the National Green Tribunal, New Delhi, and therefore, such an order cannot be subjected to challenge in a Writ Proceedings under Article 226 of the Constitution of India.

3. If at the petitioners are aggrieved, they have to approach the National Green Tribunal, New Delhi, for the purpose of redressal of their grievances. Contrarily, High Court entertaining a Writ Petition would dilute the very purpose



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and object of the Green Tribunal and more so, the order impugned has been issued for implementation of the National Green Tribunal's Order.

4. Accordingly, these Writ Petitions stand dismissed. Registry is directed to return the original copy of the impugned order to the learned counsel for the petitioners after replacing the same with a Xerox Copy. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

**(S.M.S., J.) & (V.L.N., J.)
19.12.2023**

NCC : Yes / No

Index : Yes / No

SJ

To

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The District Forest Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.



W.P.(MD)Nos.29531, 29939 and 30279 of 2023

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

- 4.The Forest Range Officer,
Sivagiri Forest Range,
Sivagiri,
Tenkasi District.
- 5.The Assistant Director,
Department of Geology and Mining,
Collectorate Building,
Tirunelveli.
- 6.The Assistant Executive Engineer,
TANGEDCO,
Sivagiri,
Tenkasi District.

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19.12.2023